The Acting Secretary reported

(1) that Mr. Govinda Pillai and Mr. Udaya Varma Raja had written, expressing their inability to attend the meeting ; and

(2) that a petition had been received from Kanakku Thanuvan Kumaren of Puthen Veedu, Ponmana, Vilavancode, and 75 others, on the Arms Regulation Amendment Bill. [The petition has been circulated among the members].

THE PUBLIC GAMBLING REGULATION AMENDMENT BILL.

Mr. Ananda Row.—I beg to apply for leave to introduce a Bill to amend the Public Gambling Regulation, III of 1071.

Permission was granted accordingly.

THE LAND CONSERVANCY REGULATION AMENDMENT BILL.

Mr. Ananda Row.—I beg permission for the introduction of a Bill to amend the Land Conservancy Regulation, II of 1067, as amended by Regulation I of 1075.

Permission was granted accordingly.

THE AGRICULTURAL LOANS REGULATION AMENDMENT BILL.

Mr. Vieyra.—Sir, I beg to ask for leave to introduce a Bill to amend the Agricultural Loans Regulation, IV of 1066. Though the Regulation has been in force for about 17 years, it appears to have been so far practically inoperative. One of the remedies suggested is to make the Regulation applicable to garden and dry as well as to wet lands. The provisions of the Regulatian, as they now stand, apply only to wet lands.

Permission was granted accordingly.

THE POLICE REGULATION AMENDMENT BILL.

Mr. Sankara Menon.—I beg to ask for leave to introduce a Bill to amend the Police Regulation, IV of 1056, on the lines of the Madras Act VIII of 1895.

Permission was granted accordingly.

BILL TO AMEND THE TOWNS CONSERVANCY AND IMPROVEMENT REGULATION (III OF 1076).

Mr. Vieyra.—Sir, at the last meeting of the Council, held on the 1st of June, permission was accorded for the introduction of a Bill to amend the Towns Conservancy and Improvement Regulation, III of 1076. The draft Bill, with the statement of objects and reasons, has been since published in the Gazette. Fifteen days have elapsed since the date of publication, and I beg therefore to introduce the Bill under Section 33 of the Council Rules, and to move that the principle of the Bill be affirmed in Council. The necessity for amending in several respects the Towns Conservancy and Improvement Regulation, III of 1076, has been felt for some years past. Two years ago an attempt was made to introduce a consolidated Bill on the lines of the District Municipalities Act, but that Bill was withdrawn, as it was considered that the elaborate provisions of the Madras Act were hardly called for in the circumstances of this State, and that a few important amendments in the existing law, found to be absolutely necessary, would serve all practical purposes. The necessity for adopting most of the provisions contained in the present draft Bill has also been urged upon Government at successive meetings of the Sri Mulam Popular Assembly. In the present Bill, amendments are proposed, which appear necessary in the interests of public health and safety, which would infuse into local bodies a spirit of self-help and remove to some extent the burden on the general tax-payer who has now to provide for the comfort and convenience of urban areas.

Section 1 of the draft Bill is intended to meet the case where the Division Peishkar may not be the President of the Committee. The provision is necessary in view of the gradual extension of the Regulation to fresh areas.

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Section 2 adopts the provisions contained in Sections 180 and 181 of the Madras District Municipalities Act, regarding the enforcement of sanitary principles in the erection of new houses and in the construction of wells. Any one who has watched the progress of housebuilding in towns will admit that, in the interests of public health and convenience, power should be taken to prevent not only over-congestion in already crowded areas, but all sources of danger to the public by insanitary, ill-ventilated or dangerous structures.

Section 3 provides for compulsory infantile vaccination in towns. Considering the ravages of small-pox within the State in the past few years, it is imperative that helpless children, who would otherwise fall victims to the obstinacy or ignorance of parents or guardians, should be protected. The protection sought is, in itself, small, seeing that it is confined to children in towns alone.

Section 4 is taken from the Madras District Municipalities Act and is absolutely necessary to remove a source of intolerable nuisance and annoyance to the general public by the existing practice of burial or cremation in private compounds. The practice is perhaps founded on sentiment, but where the health and the comfort of the general public are at stake, all right-minded people would admit that such sentiment should not be allowed to prevail. The dangers also of the indiscriminate location of public cemeteries in crowded areas are obvious, and I have introduced the present provision to remove these evils.

The present T. I. C. Regulation came into operation in 1076. Its inadequacy was recognised at its very inception, for the learned Mover characterised it as "*the first step* towards municipal action proper." Having regard to the fact that the municipal scheme was in itself an innovation in this country, and that any attempt at fresh taxation would not then be relished by the general mass of the people, the Government of His Highness the Maha Raja most generously imposed on themselves the obligation to allot a fixed sum annually for the upkeep of towns. Power was however granted to the Committees to add to the funds thus allotted by taxation in several directions, and it was hoped that the demands on the State Treasury would diminish from year to year. How far the Committees have availed themselves of the opportunities afforded to them to inculcate a spirit of self-help in the people, is seen from the fact that the Town Funds are generally poor and quite inadequate to meet the demands on account of the conservancy and sanitation of the local areas. The expenditure from the general funds, on account of the sanitation of a few towns in the State, has been growing from year to year, and the burden imposed on the general tax-payer for the health, convenience and comfort of a few favoured towns is resented by the former. The unfairness of the policy has been often complained against, and the time has, in the opinion of Government, now arrived for meeting local wants mainly by municipal taxation. Considering the numerous demands on the public revenues on account of the general administration of the country, it is incumbent on Government to withdraw the hitherto paternal consideration accorded to a few towns at the expense of the general tax-payer.

The basis of self-government is taxation—the ability and willingness of a community to pay for its wants and privileges. It cannot be said that the citizens of the towns in the State are unable to meet their own wants, for the wealthiest always gravitate towards the towns and should feel it a matter of pride to contribute towards their own wants and conveniences.

Section 5 of the draft Bill seeks to remove the statutory obligation imposed on Government to subsidise the towns, and Section 6 is meant to give power to Government to direct the imposition of municipal taxation, where a Committee is loth to take the initiative itself.

Sections 7 and 8 contain small amendments to Sections 111 and 112 of the T. I. C. Regulation, in view to making it compulsory on parents, guardians and others to give intimation of births and deaths, and thus securing accurate statistics.

Section 9 proposes to amend Section 123 of the Regulation on the lines of Section 282 (4) of the Madras Municipalities Act, so as to enable Government to empower the servants of the Town Improvement Committees to exercise the powers of Police officers for the purposes of the Regulation.

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Mr. Sankara Menon.—In seconding the proposition, I beg to say that I heartily support the principle of the Bill. It has always struck me that we are far behind other countries in this respect and that we are spending far too much over special areas from the general revenues.

Mr. Kuruvila.—I beg to submit that, as regards the present stage of the Bill, the learned Mover has my support. But I beg to explain that the acceptance of this step does not involve an agreement with the principles of several of the changes sought to be made. I do not propose to enter into a discussion of details at this stage; but I would say a word or two, firstly, to prevent a possible misconception of my attitude, and secondly, to point out the general direction in which I would solicit the preliminary consideration of the policy of these amendments by Government or by the Select Committee which would be appointed to consider them. The first amendment giving certain powers to the Division Peishkars has my cordial support. The last amendment proposing to give the servants of the Committees the powers of police officers can, in my opinion, be rendered unobjectionable by fixing the qualifications of such servants to be the same as those prescribed for police officers and by excluding sweepers and scavengers from the category. The amendments imposing restrictions on buildings and on the disposal of the dead, and those introducing certain methods of compulsion in vaccination and in the supply of information regarding vital statistics, show a departure from the provisions of the existing Regulation. They seem to disclose an inclination to prefer the ease of the Committees' servants to the liberties and convenience of the people. I admit that the ultimate aims of the Mover and of Government are acceptable, but all that I mean to say is that those aims could well be attained by methods involving less encroachments on the liberty of the people and the application of more pressure on the Committees' servants.

With reference to the fiscal amendment, embodying the proposal to remove the Government's obligation to make certain minimum allotments for the upkeep of the towns, I beg to submit, with all loyalty to the wishes of Government, that the policy should be kindly reconsidered. The outstanding features of Regulation III of 1076, as distinguished from Regulation II of 1069 which it superseded, were, on the one hand, the introduction of the principle of municipal taxation, and, on the other, two promises by Government as a set-off for this, their novel policy, *viz.*, (1) to grant the people the power of electing certain members for the Committees, and (2) to make certain minimum allotments, thus showing the unselfishness of the new policy. Of these two promises, the first has, I believe, not yet been enjoyed except in distant hope; but the second has all along been enjoyed by all the towns. I beg you, Sir, to kindly consider whether the withdrawal of this formal promise is likely to bring any financial gain in practice in the present conditions of the towns and whether it is desirable, even for such gain, to depart from the continuity of an established policy—so formally ushered in and that only recently. I regret that there is no President of any of the Town Committees on the Council now. I therefore beg that the Town Committees themselves may be formally heard or consulted before a final decision is come to on this and the cognate amendment for the initiation of municipal taxation by Government where the Committees consider it premature.

I beg also to add that this occasion may be taken to correct an evident mistake in Schedule C attached to the Regulation about the maximum rates of tolls on vehicles.

Mr. Subramonia Iyer.—I beg to support the remarks made by my friend Mr. Kuruvila.

With your permission, I would also mention, for consideration in this connection, a few defects in the present Regulation, which work great hardship in carrying it out. In sub-section 5 of Section 3 of the Regulation, the word 'street' is not wide enough to include porambokes, such as tanks, channels, rivers and unassessed lands. When encroachments are reported upon these, objections are generally raised by the parties that the Committees have no jurisdiction to take action against them.

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The only ocurse left for the Committee in a case like that is to refer the matter for disposal to the Division Peishkar under the Poramboke Regulation. To avoid this circuitous method and the consequent delay, it will be to the public interest to vest the Committees with the power of dealing with all encroachments. This can be achieved by the word 'street' being defined to include also porambokes.

Under the T. I. C. Regulation, encroachments are not penal. The parties are now prosecuted for disobedience of notice to remove the encroachment. In such cases the criminal courts have to go into the question and decide whether an encroachment is true or not so as to find the legality of the notice. Even after conviction, the Regulation does not provide for the removal of the encroachment by the Committee. Here again the Committee has to address the Division Peishkar to take action under the Poramboke Regulation. To meet all such cases a provision investing the Town Improvement Committees with power to remove encroachments after conviction seems to be necessary.

Section 56 only provides for cases fixing the penalty for slaughtering or drying skins, but not for selling or storing for sale any flesh intended for food. From sub-section 2 of Section 55, it may seem to be necessary to make the latter also punishable. The Regulation does not provide for the levying and realizing of fees otherwise recoverable from those who trade or do any of the acts mentioned in Sections 53 and 56 without a license. The punishment awarded to such persons being in most cases very lenient and only for acts done in contravention of the provisions of the Regulation, the license fees leviable in such cases should also be recovered in addition to such punishments. It therefore seems to me that advantage might now be taken to insert a clause authorising the Town Improvement Committees to recover such fees in addition.

The provisions contained in sub-section 7 of Section 2 of the Bill, empowering the President to stop the construction of a building &c., seems to be superfluous, as under Section 39 of the Regulation, the Committees have been invested with such powers.

In Section 4 of the draft Bill, the word 'new' would seem to imply that no license is necessary for existing burial grounds and burning grounds. I think that this would frustrate the object for which this Section has been now introduced.

With these few remarks I support the principle of the Bill.

President.—With reference to what Mr. Kuruvila has said, I would only remark that, even when the present law was passed, it *was* contemplated that the Town Improvement Committees should gradually resort to local taxation to supplement the grants given to them by Government, but the discretion to tax was however vested wholly in them. If the Committees had gradually used their powers, nothing would have been more pleasing to Government than to have allowed a state of things like that to continue. Unfortunately, though the T. I. C. Regulation came into force more than 8 years ago, not a single Committee has made reasonable proposals to use their power. It is not a question of the interests of Government, as against the interests of the urban population. On the other hand, it is a question of the interests of the general tax-payer as against those of the urban population. Are we for ever to leave it to the people of a few towns to tax themselves only if they wish to do so, they knowing all the time that, *if* they do not do so, there is no authority which can impose taxation upon them and also knowing that Government would in any case give them enough for all their requirements? A state of affairs like that appears to me to be self-condemned. If the framers of the T. I. C. Regulation of 1076 thought that the people of the towns would voluntarily resort to taxation under the provisions of the law, all that I can say is that they very much misunderstood the situation. The average human being, in town or village, would not pay any tax if he could help it. That is human nature all the world over. It is not now the intention of His Highness' Government to throw the administration of the towns wholly upon the resources of the people of these towns. All that is desired is that there must not be this statutory obligation imposed on Government to contribute certain amounts, but that it should be left to Government from time to time to

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determine, *with reference to the general revenues*, what contributions should be made towards the maintenance in a sanitary condition of the towns. Allotments like that must obviously vary from year to year. Taking the Trivandrum town, I quite recognise that, in a town like that, which is the seat of His Highness the Maha Raja and is the headquarters of several departments, there would always be the necessity to contribute substantially from the general exchequer to keep the local Committee going. The existence however of a statutory obligation in a matter like this is unprecedented. It is against all principles of finance that there should be a law compelling the Executive Government to spend fixed sums every year on a few favoured localities.

I may add that, as regards the privilege of election being granted to the people, Government would have no serious objection, should the people of any town ask for it, to give them a substantial share in the management of their concerns, by allowing them to return a certain number of members to the local Committee.

The Council having affirmed the principle of the Bill, Mr. Vieyra proposed that the Bill be referred to a Select Committee consisting of Messrs Subramonia Iyer, Sri Narayanan Thampi, Sankara Menon and the Mover, to report within one month.

The motion was put and agreed to.

THE TREASURE TROVE BILL.

Mr. Sankara Menon.—I beg to propose that the Report of the Select Committee on the Treasure Trove Bill be taken up for consideration.

Seconded by Mr. Vieyra.

The motion was put and agreed to.

Mr. Ananda Row.—I beg to propose that the word "private" be inserted between "of" and "individuals" in line 2 of the title of the Bill. The amendment is only verbal.

Seconded by Mr. Sankara Menon.

Carried.

Mr. Ananda Row.—In the preamble, I propose that, for the words "the protection of Treasure Trove" in lines 2 to 4, the following be substituted:—"declaring the rights of Government and of private individuals with respect to hidden treasure and for prescribing the rules to be observed on the discovery of such treasure".

The amendment is intended to make the wording tally with that adopted for the title of the Bill.

Seconded by Mr. Kuruvila.

Carried.

Section 1.

Mr. Sankara Menon.—I beg to propose that the word "No." be inserted after "Regulation" in line 3.

Seconded by Mr. Subramonia Iyer.

Carried.

Section 3.

Mr. Ananda Row.—I beg to propose the following amendments in this Section:—

(1) In lines 2 to 4, for the words "exceeding in amount or value", substitute the words "the materials of which exceed in value";

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